

THE HON'BLE Dr. JUSTICE G. YETHIRAJULU

Writ Petition No.17631 of 1994

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ORDER:

A.P.S.R.T.C. National Mazdoor Union,
represented by its Depot Secretary,
Sri V.M. Ramudu, s/o. Bheemaiah,
Aged about 46 years, Occ: Driver,
E.No.57670, Eluru Depot, W.G. District.

... **Petitioner**

and

1. Andhra Pradesh State Road Transport Corporation
represented by its Managing Director,
Musheerabad, Hyderabad.

2. The Depot Manager,
A.P.S.R.T.C. Bus Depot,
Eluru, West Godavari District.

.... **Respondents**

THE HON'BLE Dr. JUSTICE G. YETHIRAJULU

Writ Petition No.17631 of 1994

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ORDER:

This writ petition is filed by A.P.S.R.T.C. National Mazdoor Union, representing a group of drivers and conductors, seeking a Mandamus to declare that the action of the second respondent, through the proceedings dated 29-09-1994 displayed on 01-10-1994 imposing the penal wage cut for eight days from the salaries of the 17 drivers and 29 conductors payable on 01-10-1994 is illegal, unjust, contrary to law and in violation of the principles of

natural justice.

The second respondent passed an order on 29-09-1994 ordering stoppage of wages for eight days on the ground that the above-mentioned drivers and conductors participated in illegal strike. The petitioner being aggrieved by the said order filed this writ petition by contending that the order passed by the second respondent under the payment of wages Act is not sustainable since it is not applicable to the workmen who are drawing more than Rs.1,600/- per month.

The learned counsel for the petitioner contended that since the workmen mentioned herein were drawing wages more than Rs.1,600/- per month, the second respondent is not expected to pass the impugned order, therefore, it is liable to be set aside.

The learned counsel for the respondents submitted that as on the date of impugned proceedings, the workmen were drawing salary more than Rs.1,600/- per month.

It is a clear indication that the provisions of the payment of wages are not applicable to these workmen. Therefore, the order passed by the second respondent on 29-09-1994 cannot be sustained.

In the result, the writ petition is allowed and the impugned order passed by the second respondent on 29-09-1994 is set aside. It is for the respondents to go for the remedy, if any, available under law. No order as to costs.

Dr.G. YETHIRAJULU, J

Date: 07th October, 2005

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